

Senate File 187 - Introduced

SENATE FILE 187
BY SCHULTZ

A BILL FOR

1 An Act eliminating appeals in claims for unemployment benefits
2 to the employment appeal board and including applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 10A.601, subsections 1 and 7, Code 2021,
2 are amended to read as follows:

3 1. A full-time employment appeal board is created within
4 the department of inspections and appeals to hear and decide
5 contested cases under [chapter 8A, subchapter IV](#), and chapters
6 80, [88](#), [91C](#), [96](#), and [97B](#).

7 7. An application for rehearing before the appeal board
8 shall be filed pursuant to [section 17A.16](#), unless otherwise
9 provided in [chapter 8A, subchapter IV](#), or [chapter 80, 88, 91C](#),
10 [96](#), or [97B](#). A petition for judicial review of a decision of the
11 appeal board shall be filed pursuant to [section 17A.19](#). The
12 appeal board may be represented in any such judicial review
13 by an attorney who is a regular salaried employee of the
14 appeal board or who has been designated by the appeal board
15 for that purpose, or at the appeal board's request, by the
16 attorney general. Notwithstanding the petitioner's residency
17 requirement in [section 17A.19, subsection 2](#), a petition for
18 judicial review may be filed in the district court of the
19 county in which the petitioner was last employed or resides,
20 provided that if the petitioner does not reside in this state,
21 the action shall be brought in the district court of Polk
22 county, Iowa, and any other party to the proceeding before the
23 appeal board shall be named in the petition. Notwithstanding
24 the thirty-day requirement in [section 17A.19, subsection 6](#),
25 the appeal board shall, within sixty days after filing of the
26 petition for judicial review or within a longer period of
27 time allowed by the court, transmit to the reviewing court
28 the original or a certified copy of the entire records of a
29 contested case. The appeal board may also certify to the
30 court, questions of law involved in any decision by the appeal
31 board. Petitions for judicial review and the questions so
32 certified shall be given precedence over all other civil cases
33 except cases arising under the workers' compensation law of
34 this state. No bond shall be required for entering an appeal
35 from any final order, judgment, or decree of the district court

1 to the supreme court.

2 Sec. 2. Section 96.1A, subsection 1, Code 2021, is amended
3 by striking the subsection.

4 Sec. 3. Section 96.6, subsections 2 and 4, Code 2021, are
5 amended to read as follows:

6 2. *Initial determination.* A representative designated by
7 the director shall promptly notify all interested parties to
8 the claim of its filing, and the parties have ten days from
9 the date of issuing the notice of the filing of the claim to
10 protest payment of benefits to the claimant. All interested
11 parties shall select a format as specified by the department
12 to receive such notifications. The representative shall
13 promptly examine the claim and any protest, take the initiative
14 to ascertain relevant information concerning the claim, and,
15 on the basis of the facts found by the representative, shall
16 determine whether or not the claim is valid, the week with
17 respect to which benefits shall commence, the weekly benefit
18 amount payable and its maximum duration, and whether any
19 disqualification shall be imposed. The claimant has the burden
20 of proving that the claimant meets the basic eligibility
21 conditions of [section 96.4](#). The employer has the burden of
22 proving that the claimant is disqualified for benefits pursuant
23 to [section 96.5](#), except as provided by [this subsection](#). The
24 claimant has the initial burden to produce evidence showing
25 that the claimant is not disqualified for benefits in cases
26 involving [section 96.5, subsections 10 and 11](#), and has the
27 burden of proving that a voluntary quit pursuant to section
28 96.5, subsection 1, was for good cause attributable to the
29 employer and that the claimant is not disqualified for benefits
30 in cases involving [section 96.5, subsection 1](#), paragraphs
31 "a" through "h". Unless the claimant or other interested
32 party, after notification or within ten calendar days after
33 notification was issued, files an appeal from the decision,
34 the decision is final and benefits shall be paid or denied
35 in accordance with the decision. If an administrative law

1 judge affirms a decision of the representative, ~~or the appeal~~
2 ~~board affirms a decision of the administrative law judge~~
3 ~~allowing benefits,~~ the benefits shall be paid regardless of
4 any appeal which is thereafter taken, but if the decision is
5 finally reversed, no employer's account shall be charged with
6 benefits so paid and this relief from charges shall apply to
7 both contributory and reimbursable employers, notwithstanding
8 section 96.8, subsection 5.

9 4. *Effect of determination.* A finding of fact or law,
10 judgment, conclusion, or final order made pursuant to this
11 section by an employee or representative of the department, or
12 an administrative law judge, ~~or the employment appeal board,~~
13 is binding only upon the parties to proceedings brought under
14 this chapter, and is not binding upon any other proceedings or
15 action involving the same facts brought by the same or related
16 parties before the division of labor services, division of
17 workers' compensation, other state agency, arbitrator, court,
18 or judge of this state or the United States.

19 Sec. 4. Section 96.6, subsection 3, paragraph b, Code 2021,
20 is amended to read as follows:

21 b. Appeals from the initial determination shall be heard
22 by an administrative law judge employed by the department.
23 ~~An administrative law judge's decision may be appealed by~~
24 ~~any party to the employment appeal board created in section~~
25 ~~10A.601.~~ The decision of the appeal board administrative law
26 judge is final agency action and an appeal of the decision by
27 any party shall be made directly to the district court.

28 Sec. 5. Section 96.11, subsections 7, 9, and 12, Code 2021,
29 are amended to read as follows:

30 7. *Oaths and witnesses.* In the discharge of the duties
31 imposed by this chapter, ~~the chairperson of the appeal board~~
32 ~~and~~ any duly authorized representative of the department
33 shall have power to administer oaths and affirmations, take
34 depositions, certify to official acts, and issue subpoenas to
35 compel the attendance of witnesses and the production of books,

1 papers, correspondence, memoranda, and other records deemed
 2 necessary as evidence in connection with a disputed claim or
 3 the administration of [this chapter](#).

4 9. *Protection against self-incrimination.* No person shall be
 5 excused from attending and testifying or from producing books,
 6 papers, correspondence, memoranda, and other records before the
 7 department, ~~or the appeal board~~, or in obedience to a subpoena
 8 in any cause or proceeding provided for in [this chapter](#), on
 9 the ground that the testimony or evidence, documentary or
 10 otherwise, required of the person may tend to incriminate the
 11 person or subject the person to a penalty for forfeiture; but
 12 no individual shall be prosecuted or subjected to any penalty
 13 of forfeiture for or on account of any transaction, matter,
 14 or thing concerning which the individual is compelled, after
 15 having claimed privilege against self-incrimination, to testify
 16 or produce evidence, documentary or otherwise, except that such
 17 individual so testifying shall not be exempt from prosecution
 18 and punishment for perjury committed in so testifying.

19 12. *Unemployment benefits contested case hearing*
 20 *records.* Notwithstanding the provisions of [section 17A.12](#) to
 21 the contrary, the recording of oral proceedings of a hearing
 22 conducted before an administrative law judge pursuant to
 23 section 96.6, subsection 3, in which the decision of the
 24 administrative law judge is not appealed to the ~~employment~~
 25 ~~appeal board~~ district court, shall be filed with and maintained
 26 by the department for at least two years from the date of
 27 decision.

28 Sec. 6. APPLICABILITY. This Act applies to appeals from
 29 decisions by administrative law judges regarding claims for
 30 unemployment benefits pursuant to section 96.6, subsection 3,
 31 which appeals are initiated on or after the effective date of
 32 this Act.

33 EXPLANATION

34 The inclusion of this explanation does not constitute agreement with
 35 the explanation's substance by the members of the general assembly.

1 This bill provides that an appeal from a decision by an
2 administrative law judge regarding a claim for unemployment
3 benefits shall be made to the district court. Under current
4 law, such appeals are made to the employment appeal board, and
5 the decisions of the board can be appealed to the district
6 court.

7 The bill applies to appeals from decisions by administrative
8 law judges regarding claims for unemployment benefits, which
9 appeals are initiated on or after the effective date of the
10 bill.